INVESTIGATIVE SUMMARY

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DEPUTY-INVOLVED USE OF FORCE (ORBITAL FRACTURE)
IAB # FO2207738
URN 507-21600-2136-058

On Sunday, November 4, 2007, at approximately 1400 hours, Sergeants Tim Carr and Diane Holloway of Internal Affairs Bureau responded to Century Sheriff's Station regarding a Use of Force incident involving Deputies Pablo Partida and Robert Martinez.

On Sunday, November 4, 2007, at approximately 0900 hours, Deputy Pablo Partida and his partner, Deputy Robert Martinez, made a traffic stop of a vehicle driving erratically and at a high rate of speed. A traffic stop was initiated at Wilmington Avenue, south of the 105 Freeway. The Deputies approached the vehicle and asked the driver and sole occupant Suspect Deon Dirks for his driver's license.

Suspect Dirks was upset and refused to show his driver's license. Deputy Partida told him three to four times to show his license. After not receiving Suspect Dirks drivers' license, Deputy Partida asked him to exit the vehicle. Suspect Dirks told the Deputies that his driver's side door was broken and would not open. Deputy Partida attempted to open the door, but was unsuccessful. Deputy Partida instructed him to exit through the passenger's door. Deputy Martinez had opened the passengers' door and positioned himself partly inside the vehicle. As Suspect Dirks was exiting the vehicle, he struck Deputy Martinez once on the chest and once on the chin with his forearm/elbow, causing Deputy Martinez to fall backward against the open passenger's door.

Once Suspect Dirks exited the vehicle, he struggled with the Deputies, refusing to place his hands behind his back despite being ordered. Deputy Martinez grabbed Suspect Dirks' right arm and Deputy Partida grabbed his left arm. Both Deputies attempted to force Suspect Dirks' hands behind his back but were initially unsuccessful. Deputy Partida struck Suspect Dirks five to six times with his fist in his right shoulder blade. Deputy Martinez sprayed Suspect Dirks in the face with Freeze+P for a two to three second burst, but this had no affect on him.

Deputy Partida forced Suspect Dirks to the ground. Suspect Dirks fell on the sidewalk and landed on the left side of his face with his arms tucked beneath him. Both Deputies continued to give verbal commands to Suspect Dirks to place his hands behind his back, but he did not comply. Deputy Partida struck Suspect Dirks on the back an additional five to six times with his fist. The Deputies were unsure whether Suspect Dirks had a weapon or contraband in his waistband, as he had not yet been searched and was not complying with their verbal commands.

Deputy Martinez struck Suspect Dirks on the right side of his face three times with his knee. This again seemed to have no affect on the Suspect. Deputy Martinez again kneed the Suspect four to five times on the right side of his face. Eventually, the suspect relinquished his hands from beneath him. Los Angeles County Police Officers [redacted] and [redacted] arrived on the scene and provided assistance with handcuffing Suspect Dirks. Suspect Dirks was finally handcuffed without further incident.

Los Angeles County Fire Department paramedics were requested, and treated Suspect Dirks. Suspect Dirks was transported to Saint Francis Medical Center in Lynwood. Suspect Dirks was treated for the following injuries he sustained during the incident: contusions, abrasions, and lacerations to the head and body. Additionally, Suspect Dirks sustained an orbital fracture to the right eye area. He was given an "Okay to Book" and was taken to Los Angeles County-USC Medical Center for housing and further medical treatment.

Deputy Martinez sustained the following injuries: a bruised right knee, a bruised right tricep, a small laceration to his right middle finger, and redness to his chest. He also complained of pain to his chin. He was treated for his injuries at U.S. Health Works and released. No other personnel were injured.

IAB Note: Refer to **Exhibit A** for Criminal and Supplemental reports.

INVOLVED PERSONNEL:

Deputy Pablo Partida #[redacted]
Field Operations Region II
Century Sheriff's Station

Employee Work History:

Date of Employment	04/12/1995
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	10/27/2007 (1)
Prior Founded Force Incidents	[redacted]

Deputy Robert Martinez #[redacted]
Field Operations Region II
Century Sheriff's Station

Employee Work History:

Date of Employment	11/02/2000
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	



SUSPECT:

Suspect Dirks' criminal background history: A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect (CII#[redacted]) [redacted]
Refer to the CCHRS and RAPS printouts included under **Exhibit A.**

WITNESSES:

Deputy Personnel:

Sergeant James Duran #[redacted]
Field Operations Region II
Century Sheriff's Station

Detective [redacted] **#**[redacted]
Field Operations Region II
Century Sheriff's Station

Law Enforcement Personnel:

Officer [redacted]
L.A. County Police

Officer [redacted]
L.A. County Police

INJURIES:

Suspect Dirks was seen by Doctor Pelaxo and treated for injuries to his face at Saint Francis Medical Center. He had a contusion on his right upper cheek, below his right eye, and also an abrasion near the left side of his temple area. He complained of pain to his face and eyes. He also had an abrasion on the left side of his forehead and upper cheek. After receiving a Computed Tomography (CT) scan, it was revealed that Suspect Dirks had an Orbital fracture to his left eye. Suspect Dirks had no other injuries.

I spoke to Doctor Arthur Pelaxo, who told me that an Orbital fracture is common when an individual has had trauma to his face by a fist or from being forced to the ground and landing on the face. Doctor Pelaxo said the abrasions and contusion is consistent with a person being punched/kneed in the face and also by being forced to the ground. Refer to **Exhibit C** for Suspect Dirks' medical paper work and supplemental reports on his injury.

Deputy Personnel:

Deputy Martinez was treated for his injuries at U.S. Heath works. Deputy Martinez sustained a contusion on his right knee, he believed the injury was caused by striking Suspect Dirks in the face with his knee. He also had redness on the right side of his chest, where Suspect Dirks struck him and a bruise on his right tricep, when he was forced into the Suspect's vehicle door. He also has a small laceration on his right middle finger. He also complained of pain to the back of his neck.

Civilians:

No civilians were injured during this incident.

PHYSICAL EVIDENCE:

The crime scene had been dismantled prior to my arrival. I was advised there was no evidence at the scene. Refer to **Exhibit B** for the photographs of the crime scene.

INTERNAL AFFAIRS BUREAU INVESTIGATORS OBSERVATIONS:

I responded to the location after the scene had been dismantled. I saw where the Use of Force incident occurred. There were no items of evidence. Refer to **Exhibit B** for photographs of the scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Partida punched Suspect Dirks approximately twelve times on his upper back/shoulder blade. He also forced Suspect Dirks (takedown) to the ground.

Deputy Martinez sprayed Suspect Dirks in the face with a two to three second burst of O.C. Spray. Deputy Marinez hit Suspect Dirks approximately three times on the right side of the face with his right hand, in an overhand type motion. Deputy Martinez also kneed Suspect Dirks on the right side of his face approximately eight to ten times.

WEAPONS USED BY SUSPECT:

Suspect Dirks struck Deputy Martinez on his chest and chin with his right elbow. Suspect Dirks also pushed Deputy Martinez against the open passenger's door. Suspect Dirks was resistive throughout the entire force incident. He moved his body from side to side, which prevented the Deputies from handcuffing him.

PROPERTY DAMAGE:

There was no property damage.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	**Detective** [redacted]
Court	**Compton**
Charges Filed	**245 (c)(2) P.C.**
Court Date	**January 28, 2008**
Case Number	**TA093733**

LIGHTING OR WEATHER CONDITIONS:

The weather was clear, dry, and cool, approximately 55 degrees at the time of the incident.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Pablo Partida

The following is a summary from an Internal Affairs Bureau interview conducted by Sergeants Tim Carr and Diane Holloway. Deputy Partida was working Century Sheriff's Station, in a Sheriff's radio car, Unit 213B Day shift, [redacted] hours with his partner Deputy Robert Martinez on Sunday, November 4, 2007. Deputy Partida was the driver and Deputy Martinez was the bookman. Deputy Partida and Deputy Martinez had been partners for approximately one week and had discussed tactics with each other.

Deputy Partida and Deputy Martinez made a traffic stop on the Suspect's vehicle which was driving at a high rate of speed and erratically. Deputy Partida contacted the driver and sole occupant Suspect Dirks, and Deputy Martinez approached the front passenger's door. Deputy Partida asked Suspect Dirks for his driver's license and registration. Suspect Dirks appeared upset and asked "Why?" Deputy Partida told Suspect Dirks that he would explain the reason for the traffic stop after he verified his license status.

Suspect Dirks again asked "Why?" Deputy Partida requested to see Suspect Dirks license and registration three to four more times, but Suspect Dirks refused to provide Deputy Partida with the documents. Deputy Partida ordered Suspect Dirks out of the vehicle to conduct a check on his driver's license status. Suspect Dirks told Deputy Partida that the driver's door was broken and that he could not exit through the door. Deputy Partida tried to open the door, but was unsuccessful.

Deputy Partida told Suspect Dirks to exit from the front passenger's door. Deputy Partida advised his partner Deputy Martinez that Suspect Dirks was exiting from the passenger's door. Deputy Partida walked to the rear of the vehicle and saw Deputy Martinez leaning into the vehicle struggling with Suspect Dirks. Deputy Partida approached the passenger's door and saw Suspect Dirks pushing Deputy Martinez into the open front passenger's door. Suspect Dirks face and body were against Deputy Martinez's face and body.

As Deputy Partida arrived at the passenger's door, Deputy Martinez managed to turn Suspect Dirks around and had Suspect Dirks facing the vehicle. Deputy Martinez tried to gain control of one of Suspect Dirks' arms. Deputy Partida pushed Suspect Dirks' on the chest, forcing him in between the open passenger door and the vehicle window frame. While Deputy Partida was on the left side of Suspect Dirks, he tried to gain control of his left hand but Suspect Dirks continued to move it up and down, in front of his body. Deputy Partida saw Suspect Dirks was wearing a bulky sweater and thought he might be trying to reach for a weapon. Deputy Partida ordered Suspect Dirks numerous times to place his hands behind his back, but he would not comply.

Deputy Partida said Suspect Dirks continued his assaultive behavior and thought he might be trying to reach for a weapon, so he punched Suspect Dirks five to six times with his right fist on his left shoulder blade. Deputy Partida said the punches had no affect on Suspect Dirks. Deputy Partida saw Deputy Martinez on the right side of Suspect Dirks, trying to gain control of his hands. During this struggle, Deputy Martinez sprayed Suspect Dirks in the face with a two to three second burst of Freeze +P O.C. solution. The solution had no affect on Suspect Dirks.

Deputy Partida transmitted over his hand-held Sheriff's radio that he and Deputy Martinez were involved in a fight. Deputy Partida said Suspect Dirks continued to move his hands up and down and refused to place them behind his back. Deputy Partida said Suspect Dirks also continued to reach for something underneath his sweater. Deputy Partida said he and his partner were using a lot of energy and working very hard to control Suspect Dirks. Deputy Partida was a little winded and said Suspect Dirks was very strong.

Deputy Partida and Deputy Martinez had no control of Suspect Dirks' hands, so Deputy Partida decided to force him to the ground. Deputy Partida grabbed the left side of Suspect Dirks sweater and swung him to the left and onto the pavement. Deputy Partida said Suspect Dirks' face hit the ground first and then the rest of his body. While on the ground, Suspect Dirks had his arms underneath his chest. Deputy Partida tried to pull his left arm away from his chest, but was unsuccessful.

Deputy Partida continued to order Suspect Dirks to place his hands behind his back, but he refused. Suspect Dirks attempted to get up by placing his hands on the ground, in a pushup type motion. Deputy Partida saw Deputy Martinez pushing Suspect Dirks' head/back area to the ground, in an effort to keep him on the ground. Deputy Partida punched Suspect Dirks an additional five to six times on his mid-back to stop him from resisting.

After the punches, Deputy Partida was able to pull Suspect Dirks' left arm with both of his hands and place it behind Suspect Dirks' back. Deputy Partida said Suspect Dirks was very strong and he was unable to force his wrist into any type of pain compliance. Suspect Dirks still had his right arm underneath his chest. Deputy Partida continued to believe Suspect Dirks had a gun in his waistband. Deputy Partida saw Deputy Martinez on his knees, on the right side of Suspect Dirks head. Deputy Martinez continued to grab Suspect Dirks' right arm, but was unsuccessful. Suspect Dirks again tried to push his chest off the ground, and Deputy Martinez pushed him back down on his shoulder or neck area.

Suspect Dirks continued to not comply with Deputy Martinez's orders. Deputy Partida saw Deputy Martinez knee Suspect Dirks numerous times on the right side of his face with his right knee. Deputy Martinez continued to yell at Suspect Dirks to stop resisting and to show him his hands. Finally the Deputies were able to control Suspect Dirks right arm and placed it behind his back. Deputy Partida handcuffed Suspect Dirks left arm and then saw the Los Angles County Police arrive. Deputy Partida saw Officer Costello hold on to Suspect Dirks' legs and Officer Guerrero assisted them in handcuffing Suspect Dirks' right hand.

Deputy Partida estimated the entire fight lasted approximately five minutes. Deputy Partida was extremely fatigued. Deputy Partida estimated he ordered Suspect Dirks to stop fighting approximately twenty times. Deputy Partida did not use his baton, or his flashlight. Deputy Partida said he was committed with his hands to control Suspect Dirks and felt if he tried to use his flashlight or baton, Suspect Dirks would have overcome him and his partner Deputy Martinez. Once Deputy Partida transmitted that he and his partner were involved in a fight it took approximately one minute and thirty five seconds for him to advised that the fight was Code-four. Deputy Partida said he was fatigued and afraid during the Use of Force incident.

IAB Note: Refer to **Exhibit A** for Reports of the incident. Refer to **Exhibit B** for photographs of the scene. Refer to **Exhibit D** for Sheriff's radio traffic from the incident.

Deputy Robert Martinez

The following is a summary from an Internal Affairs Bureau interview conducted by Sergeants Tim Carr and Diane Holloway. Deputy Robert Martinez was working Century Sheriff's Station, in a Sheriff's radio car, Unit 213B Day shift, [redacted] hours with his partner Deputy Pablo Partida, on Sunday, November 4, 2007. Deputy Martinez was the bookman and Deputy Partida was the driver.

Deputy Martinez and Deputy Partida made a traffic stop on the Suspect's vehicle for driving at a high rate of speed and erratic driving. Deputy Partida contacted the driver and sole occupant, Suspect Dirks and Deputy Martinez approached the front passenger's door. Deputy Partida asked Suspect Dirks for his driver's license and registration. Suspect Dirks appeared upset and asked "Why?" Deputy Partida told Suspect Dirks that he would explain the reason for the traffic stop after he verified his license status.

Suspect Dirks refused to provide Deputy Partida with the documents. Deputy Partida ordered Suspect Dirks out of the vehicle to conduct a check on his driver's license status. Suspect Dirks told Deputy Partida that the driver's door was broken and that he could not exit through the door. Deputy Partida tried to open the door, but was unsuccessful.

Deputy Partida then ordered Suspect Dirks to exit the vehicle through the front passenger's door. Deputy Martinez, knowing Suspect Dirks was hostile, opened the front passenger's door, to see his hands and verified that there were no weapons available to him. Deputy Martinez placed his left knee on the front seat and told Suspect Dirks to slide toward the passenger's door. Deputy Martinez also extended his left hand toward Suspect Dirks in an effort to control him as he exited the vehicle.

Suspect Dirks immediately said, "Don't touch me, I can get out by myself," and moved away from Deputy Martinez. Deputy Martinez moved closer to Suspect Dirks and Suspect Dirks said, "Okay okay, I am going," and continued to slide toward the door. Deputy Martinez reached in and tried to grab a hold of Suspect Dirks and simultaneously Suspect Dirks lunged toward Deputy Martinez and elbowed him on the right side of his chin and chest. Suspect Dirks' momentum forced Deputy Martinez to fall against the open passenger's door.

As Deputy Martinez's back was against the passenger's door, Suspect Dirks' face was against him. Deputy Martinez grabbed a hold of Suspect Dirks' right arm and turned him around, forcing him to face the vehicle. Deputy Martinez heard Suspect Dirks yelling, "Don't touch me, I'm a fucking bus driver, leave me alone." Deputy Martinez placed Suspect Dirks right arm behind his back and tried to control him, but was unable to apply any pressure to him, due to Suspect Dirks' arm strength. Deputy Martinez never gained control of Suspect Dirks left arm.

Deputy Partida arrived and they both forced Suspect Dirks against the open passenger's door and the vehicle door frame. Deputy Martinez then sprayed Suspect Dirks in the face with a two to three second burst of O.C. spray, believing the O.C. spray would help control him. The spray had no affect on Suspect Dirks and he continued to be hostile, refusing to comply with the Deputies' commands to stop resisting.

Deputy Martinez said he lost control of Suspect Dirks' right hand and then saw Suspect Dirks reach toward Deputy Martinez' holster with his right hand. Deputy Martinez became very frightened and believed Suspect Dirks was trying to reach for his weapon. Deputy Martinez he hit Suspect Dirks two to three times on the right side of his face with his right hand, while still holding the O.C. spray in his hand, in an overhand motion. Deputy Martinez estimated that Suspect Dirks came within four inches of his duty weapon. Deputy Martinez heard his partner Deputy Partida broadcasting over Sheriff's radio that they were involved in a fight. Deputy Martinez saw Deputy Partida grab a hold of the left side of Suspect Dirks' shirt and forced him to the sidewalk, falling on his left side.

While on the sidewalk, Suspect Dirks was on his stomach, trying to push himself off the ground in a pushup type motion. Deputy Martinez was on the right side of Suspect Dirks between his head and back. Deputy Martinez believed he (Martinez) was positioned on his hands and knees, as he attempted to stop Suspect Dirks movements. Deputy Martinez kneed Suspect Dirks two to three times on the right side of his face, in an attempt to keep him from getting up. Deputy Martinez also placed his hands on Suspect Dirks head, pushing his head down, trying to stop him from rasing his head.

Deputy Martinez also saw Suspect Dirks continually placed his hands near his waistband area. Deputy Martinez believed Suspect Dirks might have a weapon in his waist area. Deputy Martinez kneed Suspect Dirks in the face several times, to stop him from resisting and to stop him from possibly removing a weapon from his waistband. Deputy Martinez knew the O. C. Spray did not have any affect on Suspect Dirks and he believed the strikes to the face also did not have any affect on him. Deputy Martinez said he was unable to grab his Asp Baton, so he continued to knee Suspect Dirks in the face. Deputy Martinez estimated he kneed Suspect Dirks in the face approximately eight to ten times.

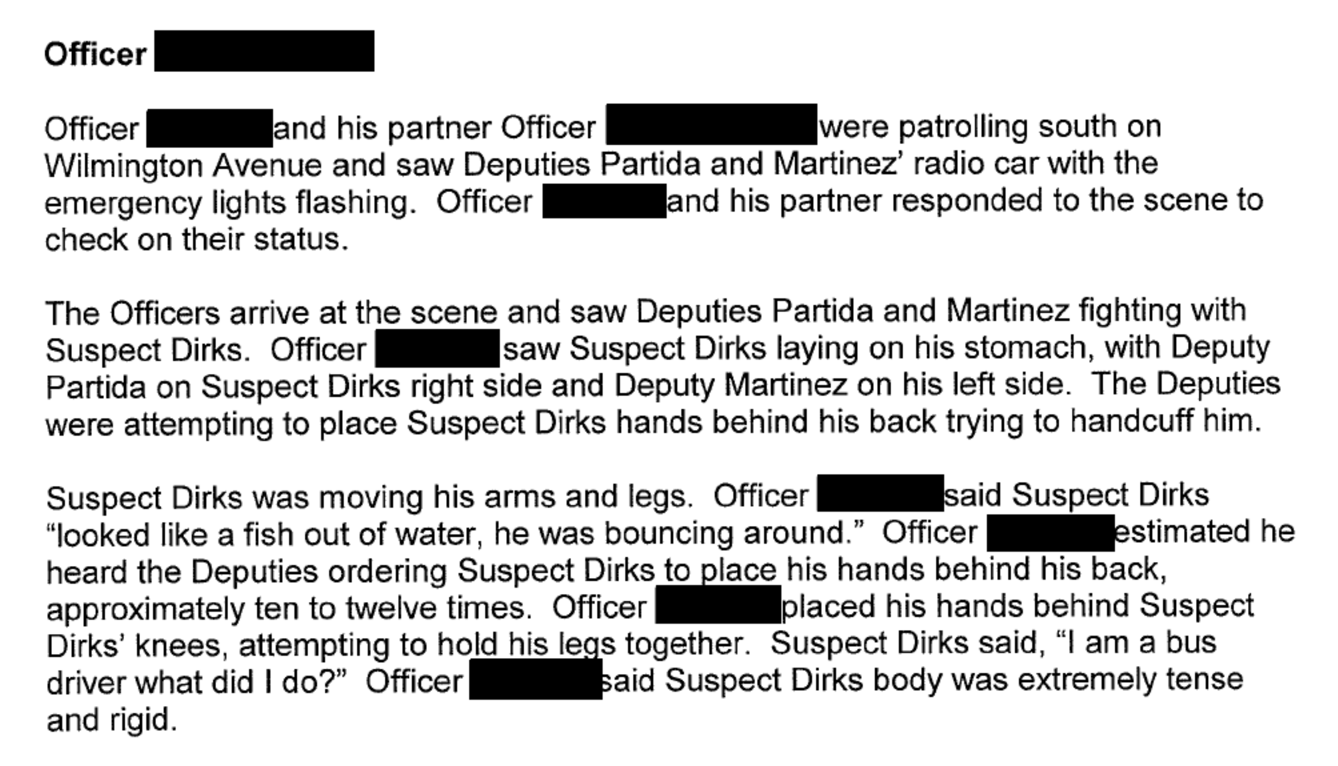
Deputy Martinez said Suspect Dirks continued to move around and attempted to push himself up, until the last few knees to the face. Suspect Dirks continued to yell during the entire incident. Suspect Dirks said, "I'm a fucking bus driver leave me alone." Deputy Martinez said after the last few knees to Suspect Dirks face, he saw Suspect Dirks begin to comply and then saw Deputy Partida handcuff Suspect Dirks left hand.

Deputy Martinez then saw two Los Angles County Police Officers [redacted] and [redacted] assisting Deputy Partida as he handcuffed Suspect Dirks right hand. Deputy Martinez said this was his first fight in the field. Deputy Martinez said he was afraid during the entire incident because he did not know if Suspect Dirks was on PCP or just very violent. Deputy Martinez estimated the fight lasted approximately one minute and a half.

> **IAB Note:** Refer to **Exhibit A** for Reports of the incident. Refer to **Exhibit B** for photographs of the scene. Refer to **Exhibit D** for Sheriff's radio traffic from the incident.

LAW ENFORCEMENT WITNESSES:

The following is a summary from an Internal Affairs Bureau interview conducted by Sergeants Tim Carr and Diane Holloway. Refer to **Exhibit A** for supplemental reports.



Officer [redacted]

Officer [redacted] and his partner Officer [redacted] were patrolling south on Wilmington Avenue and saw Deputies Partida and Martinez' radio car with the emergency lights flashing. Officer [redacted] and his partner responded to the scene to check on their status.

The Officers arrive at the scene and saw Deputies Partida and Martinez fighting with Suspect Dirks. Officer [redacted] saw Suspect Dirks laying on his stomach, with Deputy Partida on Suspect Dirks right side and Deputy Martinez on his left side. The Deputies were attempting to place Suspect Dirks hands behind his back trying to handcuff him.

Suspect Dirks was moving his arms and legs. Officer [redacted] said Suspect Dirks "looked like a fish out of water, he was bouncing around." Officer [redacted] estimated he heard the Deputies ordering Suspect Dirks to place his hands behind his back, approximately ten to twelve times. Officer [redacted] placed his hands behind Suspect Dirks' knees, attempting to hold his legs together. Suspect Dirks said, "I am a bus driver what did I do?" Officer [redacted] said Suspect Dirks body was extremely tense and rigid.

Officer [redacted] said Suspect Dirks was handcuffed without further incident. Officer [redacted] saw a small amount of blood on the right side of Suspect Dirks' face. Officer [redacted] was focused on Suspect Dirks legs and did not see the Deputies or Officer [redacted] strike Suspect Dirks. Officer [redacted] estimated the fight lasted two minutes.

Officer [redacted]

Officer [redacted] and his partner Officer [redacted] were patrolling south on Wilmington Avenue and saw Deputies Partida and Martinez' radio car with the emergency lights flashing. Officer [redacted] and his partner responded to the scene to check on their status.

As the Officers neared the scene, Officer [redacted] saw the Deputies standing while struggling with Suspect Dirks. Once the Officers arrived, Officer [redacted] saw Suspect Dirks and the Deputies on the ground. Officer [redacted] never saw the Deputies force Suspect Dirks to the ground. As Officer [redacted] assisted the Deputies, Suspect Dirks was on his stomach, trying to raise his head. Officer [redacted] saw Deputy Martinez pushing Suspect Dirks' head and shoulder area down against the ground, attempting to keep Suspect Dirks from raising his had/shoulders. He also saw Deputy Partida holding Suspect Dirks' left arm, which was handcuffed behind his back. Deputy Partida was struggling to put Suspect Dirks right hand behind his back.

Officer [redacted] grabbed Suspect Dirks' right hand and assisted Deputy Partida with handcuffing. Officer [redacted] did not hear the Deputies or Suspect Dirks say anything. Officer [redacted] estimated the fight lasted five to seven seconds. The Suspect was handcuffed without further incident.

SUSPECT STATEMENTS:

The following summary is from Suspect Dirks videotaped interview with Lieutenant Abram. Refer to **Exhibit D** for compact disk.

Suspect Dirks said he was driving fast on Wilmington Avenue, but not over the speed limit. Suspect Dirks passed on the right side of a vehicle while driving in the number three lane. Suspect Dirks said he was late to a concert. After the Deputies contacted him, they asked him to exit the vehicle and he asked them "why?" Suspect Dirks finally agreed to exit the vehicle through the front passenger's door because the front driver's door was damaged. As Suspect Dirks exited the passenger's door, Deputy Martinez grabbed at his shirt. Suspect Dirks told Deputy Martinez, "Don't grab me," and pulled away from Deputy Martinez. Suspect Dirks told the Deputies to get out of his way.

Suspect Dirks exited the vehicle, and the Deputies forced him against the vehicle and placed his hands behind his back. Suspect Dirks said he struggled with the Deputies by keeping his arms rigid because his arms were hurting. Deputy Martinez sprayed Suspect Dirks in the face with O. C. Spray and then Deputy Partida forced him to the ground. While on the ground, Deputy Partida pushed on his head forcing it to the ground.

Suspect Dirks tried to block the strikes to his head by moving his head to the right and left. Suspect Dirks said the Deputies ordered him several times to let them see his hands, but he did not comply. Suspect Dirks yelled out several times for someone to help him. Suspect Dirks said the Deputies punched him, kneed him and forced him to the ground. Suspect Dirks said the Deputies never hit him with any other weapons. Suspect Dirks said he was handcuffed and the incident ended.

Detective [redacted]

The following summary is from Detective [redacted] supplemental report. Refer to **Exhibit A** for the supplemental report.

Suspect Dirks said he was upset when he was stopped by the Deputies. As Suspect Dirks exited his vehicle, Deputy Martinez grabbed onto him and Suspect Dirks told Deputy Martinez not to touch him. Deputy Martinez placed Suspect Dirks' right arm behind his back. Suspect Dirks said his arm hurt as Deputy Martinez placed it behind his back. Suspect Dirks tried to pull his arm forward because his arm was hurting. Deputy Martinez said, "He resisting, I'm gonna spray him." Deputy Martinez sprayed Suspect Dirks in the face with his O. C. Spray. Suspect Dirks was forced to the ground and then punched and kneed in the face by the Deputies. Suspect Dirks tried to cover his face by turning his head. Suspect Dirks said he never hit or grabbed the Deputies.

MISCELLANEOUS SECTION:

Sergeant James Duran

The following summary is from Sergeant Duran's supplemental report. Refer to **Exhibit A** for the supplemental report.

Sergeant Duran was working as the field sergeant during this Use of Force incident, Unit 214 S. Sergeant Duran responded to the scene and saw Suspect Dirks seated in the rear seat of a patrol car. Sergeant Duran checked seven businesses along the east side of Wilmington Avenue. All the businesses were closed during the Use of Force incident. Unit 216S, Sergeant Matthew Vanderhork contacted a female Hispanic flower vendor that had seen a portion of the Deputy involved fight.

However, her contact information was misplaced and was never given to Internal Affairs Bureau Investigators. Sergeant Duran tried several times to contact the female flower vendor, but she was never seen at or around the location. Sergeant Duran also advised that no persons driving vehicles along Wilmington Avenue, stopped and assisted the Deputies or identified themselves as witnesses.